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**Charge to the Kent/Station Street Parking Lot  
Affordable, Age-Restricted Housing Committee**

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The Committee will develop a proposal for suitable Air Rights development of Affordable Senior Housing over the Kent/Station Street Parking Lot, with retention of the public parking on the site.

In this process the Committee will:

1. Assemble available information and data relevant to the potential for such development of the site including, without limitation, environmental conditions, history, zoning limitations, and any legal/title considerations.
2. Consult with Town Counsel to learn about the legal issues associated with Air Rights developments and to find a process or processes by which such development might occur.
3. Recommend criteria by which any proposal for the development of the site as affordable senior housing could be evaluated, including, without limitation, design objectives, ownership structure, project funding options, neighborhood concerns, parking and traffic considerations, affordability goals, age restrictions, open space, streetscape improvements, and carbon footprint and sustainability goals for energy usage.

In formulating its recommendations, the Committee shall hold public hearings as necessary, with a minimum of one. The Committee will report to the Board of Selectmen by or before August 30, 2017. If then authorized by the Board of Selectmen, the Committee may oversee the draft of a Request for Proposals for other mechanism for the soliciting of development proposals and to review and rank any proposals that are received or it may assist the Town's Housing Advisory Board in carrying out these functions.

ARTICLE 34

THIRTY FOURTH ARTICLE

Submitted by: Henry Winkelman, Kenneth Goldstein

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

*Whereas*, the Town of Brookline has committed to taking meaningful actions toward becoming a more age-friendly community;

*Whereas*, the aging of the baby boom population cohort has created a need for a substantial expansion of Brookline's supply of housing for seniors;

*Whereas*, Brookline's need for more affordable housing for seniors with low and moderate incomes is already acute;

*Whereas*, senior citizens benefit from living within walking distance of public transit, services, shopping, and cultural resources;

*Whereas*, Brookline Village is a pedestrian friendly location that meets the living needs of seniors, including those who do not own an automobile;

*Whereas*, the Town's municipally-owned parking lots offer an opportunity for attractive air rights development of senior housing, including for low and moderate income households; and

*Whereas*, the public process leading to the Town's Housing Production Plan identified Town-owned municipal parking lots, including the Town-owned site situated between Station and Kent Streets in Brookline Village as a suitable location for affordable senior housing development;

*THEREFORE*, be it resolved, that Town Meeting urges the Board of Selectmen, the Planning Board and the Housing Advisory Board to pursue a suitable air rights development of age-restricted affordable, mixed-income housing over the existing Town-owned parking lot in Brookline Village situated between Kent and Station Streets across from the Brookline Village MBTA station (Parcel No. 140-05-00);

And act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Article 34 is a non-binding Resolution submitted by petition that asks the Board of Selectmen, the Planning Board and the Housing Advisory Board to pursue the required steps to pursue on behalf of the Town an appropriate development of affordable or

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mixed-income senior housing. This development will utilize the available air rights over the existing Town-owned Kent-Station Street parking lot. The development will front onto Kent Street and Station Streets, opposite the Brookline Village MBTA station.

In 2012, Brookline made a multi-year commitment to becoming a more age-friendly community by joining the World Health Organization's Age-Friendly City initiative. Brookline was the first municipality in New England to join the initiative.

As set forth in the Resolution's preamble, the growing number of 'baby-boomer' retirees in Brookline is increasing an already-acute need for senior housing in Brookline. Aging baby boomers are the most rapidly growing segment of Brookline's population. According to analysis of U.S. Census data by the Brookline Community Foundation, the cohort between 55 and 65 years of age grew in numbers by 40 percent in the past decade. The need for affordable housing for seniors of low and moderate incomes is particularly acute. According to the Brookline Community Foundation's analysis of U.S. Census data, a majority of senior renters (over 60 percent) are rated as housing cost-burdened because they pay more than 30 percent of their income for housing. (Half of Brookline seniors are renters.) There are approximately 1,200 senior-headed rental households in Brookline that are housing cost-burdened.

An extensive process of public engagement between Town officials and citizens in the first half of 2016 acknowledged the Town's need for more age-restricted senior housing as well as the suitability of Town-owned parking lots near commercial areas for potential creation of senior housing using air rights above the existing parking facilities.

The Kent-Station Street location, with its proximity to public transit, shopping, eating facilities, and Town government offices was identified as a good example of locations having a positive potential for the creation of more age-restricted housing, including affordable rental housing units.

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#### SELECTMEN'S RECOMMENDATION

Article 34 is a non-binding Resolution submitted by petition that seeks to compel the Board of Selectmen, Planning Board and the Housing Advisory Board to pursue the development of a senior citizen restricted affordable housing project over the current Town owned parking lot at Kent and Station Streets. The proposal would retain the existing municipal parking capacity at this location by building the housing project over the lot using "air rights".

The Board of Selectmen agrees with the demonstrated need to develop additional affordable senior housing in Brookline as documented in the recent Housing Production Plan. The Board also believes that the use of municipally owned property can be a cost effective and productive way to develop affordable housing, as was demonstrated at the

new Olmstead development on Town owned land on Fisher Hill. There is some concern that the identification of a single Town owned parcel (the Kent and Station Street lot) limits the consideration of the best possible site for the project, especially given that the Town is planning to conduct a comprehensive "Strategic Asset" study of all municipally owned property and facilities. However, an effort by the Advisory Committee to expand the potential sites for this housing development to include Town owned properties in North Brookline was rejected by the Town Moderator as being beyond the scope of the original Warrant Article. The Board is also sensitive to the demands of staff in the Planning and Community Development department, who are currently consumed with multiple Chapter 40B housing development proposals and involved in the planning for the 9th Elementary School. For this reason, and because of the complexity of planning an air rights development with a private partner, it is expected that this study would be contracted for with a Selectmen's Committee, possibly with an outside consultant. It is anticipated that this study would be funded from the Affordable Housing Trust Fund.

At their meeting on October 25, 2106, the Board voted unanimously to recommend FAVORABLE ACTION on Article 34 with a minor amendment. Under the Therefore clause, the Board voted to substitute the words "develop a proposal" for the word "pursue", to read as follows;

THEREFORE, be it resolved, that Town Meeting urges the Board of Selectmen, the Planning Board and the Housing Advisory Board to develop a proposal for a suitable air rights development of age-restricted affordable, mixed-income housing over the existing Town-owned parking lot in Brookline Village situated between Kent and Station Streets across from the Brookline Village MBTA station (Parcel No. 140-05-00).

The full motion is as follows:

VOTED: THAT THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

Whereas, the Town of Brookline has committed to taking meaningful actions toward becoming a more age-friendly community;

Whereas, the aging of the baby boom population cohort has created a need for a substantial expansion of Brookline's supply of housing for seniors;

Whereas, Brookline's need for more affordable housing for seniors with low and moderate incomes is already acute;

Whereas, senior citizens benefit from living within walking distance of public transit, services, shopping, and cultural resources;

Whereas, Brookline Village is a pedestrian friendly location that meets the living needs of seniors, including those who do not own an automobile;

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Whereas, the Town's municipally-owned parking lots offer an opportunity for attractive air rights development of senior housing, including for low and moderate income households; and

Whereas, the public process leading to the Town's Housing Production Plan identified Town-owned municipal parking lots, including the Town-owned site situated between Station and Kent Streets in Brookline Village as a suitable location for affordable senior housing development;

THEREFORE, be it resolved, that Town Meeting urges the Board of Selectmen, the Planning Board and the Housing Advisory Board to develop a proposal for a suitable air rights development of age-restricted affordable, mixed-income housing over the existing Town-owned parking lot in Brookline Village situated between Kent and Station Streets across from the Brookline Village MBTA station (Parcel No. 140-05-00);

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#### ADVISORY COMMITTEE'S RECOMMENDATION

##### SUMMARY:

Article 34 is a resolution placed on the Warrant by citizen's petition. It asks the Selectmen, Planning Board, and Housing Advisory Board to pursue development of affordable senior housing above the Town-owned parking lot between Station Street and Kent Street in Brookline Village. Many members of the Advisory Committee supported this general concept in principle, but members also questioned whether the Station/Kent site was the best location for affordable senior housing. The Advisory Committee was aware of the concerns of neighbors and the density of the area near the Station/Kent parking lot. The Advisory Committee thus initially voted to recommend an amended resolution that would have asked that all of the Town-owned parking lots in North Brookline be considered as part of an attempt to identify a possible site for affordable senior housing. The amended resolution also urged that Brookline's Strategic Asset Plan, currently in preparation, be taken into account. The Moderator, however, ruled that the amendment was beyond the scope of the Warrant, so the Advisory Committee reconsidered Article 34.

The Advisory Committee was almost evenly divided and voted 10-9-2 to recommend NO ACTION on Article 34.

##### BACKGROUND:

The current need for additional senior housing in Brookline is substantial. The Brookline Housing Authority currently has a waiting list of 1,400 seniors, and it is typical of communities across the country. Over the next 20 years, the number of Americans over the age of 65 (40 million) will double, and the need for appropriate housing will become even more acute unless communities work to develop additional homes suitable for seniors. Brookline's rising housing costs present a special problem. According to the petitioners, over 60% of senior renters in Brookline are paying too high a percentage of their income—they are "housing cost-burdened."

Ideally, senior housing should be located in or near a walkable commercial area and near public transportation. But in an urban area, the availability of affordable land for senior housing is limited. The petitioners who are offering Article 34 have looked beyond Brookline to see what solutions other communities have developed. One solution has been the use of air rights for land owned by local government, since the land is already controlled by the municipality or county. The supermarket and hotel over the Massachusetts Turnpike in Newton and a long stretch of that highway in downtown Boston are obvious examples of the use of air rights over public land being used for buildings in the Boston area. And of course the Marriott Hotel on Webster Street is on land leased from the Town, although it is not an air rights project.

Other urban communities, including four in Los Angeles County and at least one in Toronto have done the same thing as a way to find land for senior housing. The projects the petitioners identified have public parking at grade and parking for residents on a second level, with affordable senior housing above. The petitioners have assessed the various Town-owned parking lots and identified the lot between Station Street and Kent Street as a suitable site.

DISCUSSION:

The Station Street site was acquired by the Town by taking two houses. Since the Town has control over the land, it can require that the housing built on the site be affordable permanently, something that cannot be guaranteed with affordable units developed under Chapter 40B. The petitioners' concept would provide public parking that would be accessed from Station Street at grade, and resident parking and housing above. Services for seniors would be integrated into the operation of the building and also would be available to other seniors living in the area. The petitioners' concept calls for the availability of public parking to be visible from the Station St. side, and the existing pedestrian access from the Brookline Village MBTA station to Kent Street would be preserved.

As it was originally drafted, Article 34 asks the Board of Selectmen, Planning Board and Housing Advisory Board to consider an air rights development with the characteristics noted above. The next steps in the proposed process are uncertain, but Town Counsel is studying the concept. The petitioners hope that a committee would be formed to provide oversight over the development of a Request for Proposal (RFP) from appropriate developers, and they would prefer the selection of the Brookline Improvement Coalition, Inc. or some other non-profit developer. Development could be contracted out and supervised by Housing Advisory Board (which has taken a "straw vote" of 6-0 in favor of the Article). But the Town cannot designate a developer without issuing an RFP to which any developer could respond.

The Department of Planning and Community Development objected to the designation of a specific Town-owned site by the proposed RFP, because the Town is currently looking for a consultant to complete a Strategic Asset Plan that will include all Town-owned sites. The Housing Production Plan references the Station/Kent site, and the proponents

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have a strong sense of urgency regarding what they see as a housing crisis. They would like to transmit that sense of urgency to the Town.

An RFP would presumably ask developers to conform to certain criteria that could include setback and height restriction in order to answer the concerns of abutters. The Advisory Committee became aware of concerns conveyed by Town Meeting members from Precincts 4, 5 and 6 about the open-ended nature of the proposal and the absence of a schematic. The petitioners, however, believe that debating the specifics in advance of an RFP is premature. Thus they were not prepared to offer a schematic, nor did they present one to the Advisory Committee

The petitioners were pressed on why they focused on this one site rather than suggest a study that would cover all of the potential sites in North Brookline, but they insisted that the Station Street lot was the ideal site because the elevation difference between Station Street and Kent Street made it an ideal location to provide for both public parking and resident parking.

The concept is an interesting one in that it would reduce the headroom for 40B housing that is not restricted to seniors. And 40B developments are typically only 20 to 25% affordable. But there was opposition to the idea of focusing on a specific site rather than looking more broadly at all Town-owned sites that might be appropriate for a project involving the use of air rights.

Initially the Advisory Committee voted 14-5-1 for an amended resolution that would broaden the Article by opening the study up to all Town-owned parking lots in North Brookline. That recommendation reflected concerns that an air rights development over the Station/Kent parking lot would have an adverse effect on Brookline Village—especially the immediate abutters who depend on the open space provided by the parking lot for light and air. Some members of the Committee were concerned that the process should not begin with a Town Meeting vote to focus on a single site. The Committee also hoped that any study would be conducted “in alignment” with the Town’s Strategic Asset Plan, if that plan is available in time.

The amended resolution initially recommended by the Advisory Committee was rejected by the Moderator because it was deemed to be outside the scope of the original Warrant Article, which only referred to the Station/Kent parking lot.

The Advisory thus reconsidered Article 34. After a lengthy debate in which members recognized the need for affordable senior housing, but also questioned whether the Station/Kent site was the best location and whether the process should begin with Town Meeting’s consideration of a resolution that focused on that site, the Advisory Committee narrowly voted to recommend No Action.

RECOMMENDATION:

The Advisory Committee, by a vote of 10-9-2 recommends NO ACTION on Article 34.

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